

**Lodi Township**  
**Zoning Board of Appeals Meeting Minutes**  
**September 26, 2024**

**Call to Order/Pledge of Allegiance:** Meeting was called to order at 7:00 pm by Chronis, as acting Chair. Pledge of Allegiance was recited.

**Roll Call: Present:** Schaible, Strader, Chronis, Dever, VanKoevering.

**Others Present:** Abel Thomason (representative for Joseph Fournier) and 4 other members of the public.

**Approval of Meeting Minutes:** A motion to approve the minutes from the 12/21/23 ZBA meeting was made by Schaible, second by Strader. No discussion. **YEA: 3, Abstain: 2 (new members that were not at last meeting) NAY: 0**, Motion passed 3-0.

**Approve/Amend Agenda:** Discussion held to clarify this is a public hearing. A motion to amend the agenda to reflect it is a public hearing. Discussion to move Item 5, Elect Officers, to Item 7, to proceed with the Public Hearing first. Motion made by Dever, second by Chronis to approve the agenda as amended. **YEA: 5, NAY: 0**, Motion passed 5-0.

**Public Hearing:**

**Public Hearing for the purpose of hearing all objections to, and support of, the request by Joseph Fournier, 2855 West Arbor Rd, Ann Arbor, Michigan 48103, Lodi Township Parcel #M-13-01-400-040, requesting a variance of Lodi Township Zoning Ordinance Section 54.08.E.6.C Natural Features Protection and Preservation, Wetland Use Provisions, to construct an addition to the home which would extend into the 50 ft wetland setback.**

**Abel Thomason** spoke as representative for the applicant and has been hired by the applicant to design an addition to the house as an exercise room (currently uses the garage). Looked at various spots to put addition, NE corner was too tight with setbacks, approached neighbor on NE to purchase extra land, but it was not accepted, so moved to west side of house. Considered a rain garden to store extra water.

**Public Comment:** Neighbor Tom McCormick concerned that addition too big, ground may be too soft where its shown, and any increase in runoff will affect his property upstream. Says water can rise 2-3 ft in the little stream that flows south to Waters Rd. Concerned the plans may not accurately reflect how close the addition will be to the stream. Janet Rogers asked about the process, has this application been denied before? According to application, it has not been previously submitted. Neighbor Zevi Bareket has submitted an email to the Township with his concerns. Concerned about any changes in the wetland affecting upstream neighbors. He has lived there a long time, and as area has been developed, he and neighbors have noticed increase in runoff. Increased water is damaging the cul-de-sac pavement. The plans show that the stream flows northbound – are they changing it? There is a drainage basin to the north of this property, and there is landscaping that has been done by the applicant in the wetland setback area. Any change in the stream bottom would affect the upstream water levels. He would like to see a study done to see how the creek has changed since the original house was built in 2007. ZBA is not really charged with evaluating this issue from the previous construction. A representative of Travis Point pointed out that there are laws that prohibit you from diverting water from one property to another. McCormick concerned about where water from rain garden would go. Abel said rain garden

would go in front of house and discharge into wetland. Strader clarified that rain garden would be designed to keep runoff the same as it is in an undeveloped state. McCormick says snow runoff is a lot. **Motion by Dever, seconded by Schaible to close the Public Hearing at 7:35 pm. Roll call: Schaible – yes, Dever-yes, Chronis – Yes, Strader – Yes, VanKoevering -Yes Motion passed 5-0.**

**Discussion:**

Dever wanted clarification of what the addition is being used for (exercise area). Why was the area to the north (out of the wetland setback) not considered? Thomason indicated that design was more expensive, so applicant did not pursue this. Applicant built the original home in 2007 and set it in that spot. Strader said expressed below ground stairwell was a concern for flooding, and that the applicant is currently mowing, and has landscaping in the 25 ft wetland offset. Kathy V questioned the “drain to daylight” pipe outlet – where does it discharge? Kathy also noted that during her drive by visit that the bottom and sides of the creek were lined with landscape stones, and the rear had a retention wall in the setback.

Chronis suggested we go through the Findings of Fact as required by Zoning Ordinance 54.08.B Variances, Standards of Review:

**Findings of Facts**

1. Practical Difficulty: denying the application would deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district. No – there appear to be other expansion areas that would be much less impactful on the 50 ft wetland setback and is merely financial.
2. Substantial Justice: allowing the variance will provide relief and justice to the applicant similar to other owners in the district. No – other homeowners have not built in the wetland setback and would face the same restrictions.
3. Unique Circumstances: The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district. No. This drain runs through several properties in this area.
4. Preservation of Property Rights: the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property owners in the same zoning district. No – there are other options for construction and would possibly give him greater rights by allowing him to build in this area when there are other options.
5. Public Safety and Welfare: The requested variance can be granted that the spirit of this Ordinance will be observed and public safety and welfare is secured in such a way that a) it will not increase hazard of fire or endanger public safety, b) it will not unreasonably diminish or impair the value of surrounding properties, c) it will not alter the essential character of the area or surrounding properties, d) it will not impair the adequate supply of light and air to surrounding properties. No. There is a possibility of diminishing public safety/welfare due to potential flooding concerns. No mitigation shown for increased runoff into the stream.
6. Not Self Created: This was self-created as possible other orientations were not considered due to increased cost.

7. More than Mere Inconvenience: the alleged hardship and practical difficulties that will result from a failure to grant the variance are substantially more than mere inconvenience or an ability to attain a higher financial return. By strict adherence to the ordinance there would be extreme burden to the applicant. No. The applicant did not want to consider a less impactful design.
8. Minimum Necessary Action: for the reasons set forth in the application, the variance is the minimum necessary relief to allow reasonable use of the land and home. No – other design options could be considered.

**Motion** by Schaible, second by Dever, based on the Findings of Fact noted above, to deny the variance from Lodi Township Zoning Ordinance Section 54.08.E.6.C Natural Features Protection and Preservation, Wetland Use Provisions, to construct an addition to the home, which would extend into the 50 ft wetland setback.

**Roll Call Vote: YEA- Schaible, Dever, Strader, Chronis, VanKoevering. NAY- none. Motion passed 5-0**

**Election Of Officers:** Slate of: Chronis – Chair, Dever-Vice Chair, Strader-Secretary (with the request of using our recording secretary for production of minutes). Votes: Motion by Schaible, second by Dever to elect the proposed slate of officers for 2024-25. **Roll Call Vote: YEA- Schaible, Dever, Strader, Chronis, VanKoevering. NAY- none. Motion passed 5-0**

**Other Business:** None

**Motion to Adjourn by Chronis, second by Schaible. YEA: 5 NAY: 0, Motion passed 5-0.**

**Meeting Adjourned: 8:05 pm**

**Respectfully Submitted,**

**Cindy Strader, Secretary Lodi Township Zoning Board of Appeals**